

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	File No. EB-08-TC-4777
)	
Nebraska Supercomm, LLC)	NAL/Acct. No. 200932170570
)	
Apparent Liability for Forfeiture)	FRN: 0014797765
)	
)	

ORDER

Adopted: September 1, 2009**Released: September 1, 2009**

By the Acting Chief, Enforcement Bureau:

1. In this Order, we cancel a proposed forfeiture in the amount of twenty thousand dollars (\$20,000) issued to Nebraska Supercomm, LLC ("Nebraska Supercomm"). On February 24, 2009, the Bureau issued to Nebraska Supercomm a *Notice of Apparent Liability for Forfeiture* ("*Omnibus NAL*")¹ based on Nebraska Supercomm's apparent violation of section 222 of the Communications Act of 1934, as amended (the "Act"),² section 64.2009(e) of the Commission's rules,³ and the Commission's *EPIC CPNI Order*⁴ by failing to timely file an annual compliance certification with the Bureau.

2. Upon review of the record, and based upon new information provided by Nebraska Supercomm, we agree with Nebraska Supercomm that it did not have any telecommunications customers during the 2007 calendar year, thus an annual compliance certification for calendar year 2007 was not due. Accordingly, we find that Nebraska Supercomm did not violate section 222 of the Act,⁵ section 64.2009(e) of the Commission's rules,⁶ or the Commission's *EPIC CPNI Order*. Consequently, we conclude that no forfeiture should be imposed.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 503(b) of the Communications Act of 1934, as amended, and sections 0.111, 0.311 and 1.80(f)(4) of the Commission's rules, that the proposed forfeiture in the amount of twenty thousand dollars (\$20,000) issued to Nebraska

¹ *Annual CPNI Certification Omnibus*, Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 2299 (Enf. Bur. 2009) ("*Omnibus NAL*").

² 47 U.S.C. § 222.

³ 47 C.F.R. § 64.2009(e).

⁴ *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, CC Docket No. 96-115; WC Docket No. 04-36, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927, 6953 (2007) ("*EPIC CPNI Order*"); *aff'd sub nom. Nat'l Cable & Telecom. Assoc. v. FCC*, No. 07-132, (D.C. Cir. decided Feb. 13, 2009).

⁵ 47 U.S.C. § 222.

⁶ 47 C.F.R. § 64.2009(e).

Supercomm, LLC in the February 24, 2009 *Omnibus Notice of Apparent Liability for Forfeiture* **IS CANCELLED.**

4. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Nebraska Supercomm, LLC's consultant, Cindy Grosvenor, Consortia Consulting, Inc., 9300 Underwood Ave., Suite 310, Embassy Tower, Omaha, NE 68114.

FEDERAL COMMUNICATIONS COMMISSION

Suzanne M. Tetreault
Acting Chief, Enforcement Bureau